

# Chapter 2

## Where and When to File Reports

This chapter reviews where and when lobbying reports must be filed. A review of the electronic and online filing requirements is provided as most filers must file reports electronically. For those filers who are not required to file electronically (see below), paper reports are required.

### Where to File

All reports and statements discussed in this manual are filed with the Secretary of State. Paper statements should be addressed as follows:

Secretary of State  
Political Reform Division  
1500 11<sup>th</sup> Street, Room 495  
Sacramento, CA 95814

### Electronic or Online Filing

Lobbying reports must be filed electronically once the total amount of any category of reportable payments, expenses, contributions, gifts, or other items is \$5,000 or more in a calendar quarter. Each quarter and each category of payments are calculated separately to determine if electronic filing is required. A lobbyist employer is not required to count campaign contributions toward the \$5,000 threshold for any quarter in which the employer does not report contributions but instead refers to its sponsored committee's campaign statement.

If a lobbyist employer or lobbying firm is required to file electronically, lobbyists employed by the employer or firm also must file electronically. If a lobbyist employer hires a lobbying firm that files electronically, the employer is not automatically required to file electronically. Until the electronic filing requirements have been triggered, only paper reports are required. However, once a

filer is required to file electronically, all future reports, including registration forms, must be filed electronically. Electronic filers must file registration forms on paper as well as electronically, but quarterly reports are not required to be filed on paper.

Electronic filers obtain a login identification number and password from the Secretary of State. Only the filer is able to access his or her files using the identification number and password. When filing a report electronically, the filer files under penalty of perjury. The filer may also designate a vendor or other service provider to file on his or her behalf and provide the vendor with the identification number and password. If the filer authorizes another vendor to file and does not file the forms personally, the filings are still presumed to be filed under penalty of perjury.

The Secretary of State offers free online filing and there are several software vendors that offer programs. Visit the Secretary of State's website at [www.ss.ca.gov](http://www.ss.ca.gov) for information or call the Cal-Online Help Desk toll free at (877) 745-3453 or in Sacramento at (916) 653-7283.

**(Examples)** *In the first quarter of the calendar year, a newly registered lobbyist employer paid its in-house employee lobbyists \$3,000 for lobbying activity and made \$4,000 in reportable contributions. Since this was the first time this company qualified as a lobbyist employer, and it did not expend \$5,000 or more in any one category of reportable payments, it was required to file its quarterly report, Form 635, on paper only. In the second calendar quarter, the employer paid its in-house employee lobbyists a total of \$6,000 for lobbying activity. The employer and the in-*

*house lobbyists are required to file their Forms 635 and 615 electronically for the second quarter and all subsequent quarters, even if the employer does not expend \$5,000 or more in any one category of reportable payments in the future. Paper copies of the quarterly reports are no longer required. However, any future amendments to the lobbyist employer's registration must be filed electronically as well as on paper.*

*A lobbying firm files its reports electronically. Robert Schneckner, a new part-time lobbyist for the firm, does not receive \$5,000 in compensation for lobbying, nor does he have activity expenses totaling \$5,000. Although Robert's activities do not reach \$5,000, because his lobbying firm is required to file electronically, his Lobbying Report, Form 615, must also be filed electronically. The lobbying firm also recently added a new lobbyist employer as a client. On its first quarterly disclosure report, the lobbyist employer did not make \$5,000 or more in any category of reportable payments. The lobbyist employer may file its Lobbyist Employer Report, Form 635, electronically, but is not required to do so. The report must be filed on paper.*

Once a lobbying filer is required to file reports electronically, the following statements are not required to be filed on paper:

- 615 – Lobbyist Report
- 625 – Report of Lobbying Firm
- 630 – Attachment Form 630 Payments Made to Lobbying Coalitions
- 635 – Report of Lobbyist Employer and Report of Lobbying Coalition
- 635-C – Attachment Form 635-C Payments Received by Lobbying Coalition
- 640 – Attachment Form 640 – Government Agencies Reporting of “Other

Payments to Influence Legislative or Administrative Action”

- 645 – Report of Person Spending \$5,000 or More to Influence Legislative or Administrative Action
- 690 – Amendment to Lobbying Disclosure report

### Questions and Answers

- Q. *We are a lobbyist employer and have never reached the \$5,000 threshold for any calendar quarter. However, between April 1 and June 30 of this year, we contributed \$5,000 or more to state candidates we are otherwise required to report. We made the contributions through our sponsored committee and will reference our committee's report on the Form 635 instead of itemizing the contributions. Must we now file electronically as well as on paper?*
- A. No. As long as the contributions were made from your sponsored committee and you reference your committee's campaign statement on your Form 635, you are not required to count those contributions toward the \$5,000 e-filing reporting threshold.
- Q. *We file our quarterly reports electronically. At the beginning of the next legislative session, we intend to renew our registration. Are we required to file our registration statements electronically as well as on paper?*
- A. Yes. If you filed reports electronically in one legislative session and re-registered for the following session, you must file your registration statements electronically as well as on paper. In addition you must continue filing your quarterly reports electronically.

## When to File

### General Rules

- If a report or statement required to be filed on paper is sent by first-class mail to the Secretary of State, it is considered received on the date of the postmark. Reports sent by mail that are not received by the Secretary of State are presumed not to have been sent unless the filer has a post office receipt with the date of deposit and the name and address of the Secretary of State.
- Deadlines that fall on a Saturday, Sunday, or an official state holiday are extended to the next business day.
- Reports may not be submitted by facsimile transmission.
- Persons who file after a deadline are liable for a fine of \$10 per day, calculated from the day after the deadline, until the report is received. For registration statements filed both electronically and on paper, the \$10 per day fine may be imposed on both versions of the reports if they are not filed on time.
- Persons who fail to file required lobbying reports may be subject to an administrative penalty of up to \$5,000.
- Reports may be filed at any time prior to the deadline, so long as the report includes all information required. An amendment must be filed by the filing deadline if activity was omitted from the early filing.
- An unsigned paper report is not considered received by the Secretary of State and is subject to the \$10 per day fine, even if the report is filed on time. If the individual required to sign a report is not available on or before the deadline, an agent may sign the report and attach an explanatory note. An amendment with the proper signature must be filed as soon as possible. (See Chapter 5.)

## Registration Statements

### Initial Registration


**Lobbyists** must complete a Lobbyist Certification Statement, Form 604. Form 604 must be filed within 10 days of qualifying as a lobbyist.

**Lobbying firms** must complete a Lobbying Firm Registration Statement, Form 601. Form 601 must be filed within 10 days of qualifying as a lobbying firm.

**Lobbyist employers/lobbying coalitions** complete different forms depending upon whether they employ an in-house lobbyist or a lobbying firm.

- A Lobbyist Employer Registration Statement, Form 603, must be filed within 10 days after a partner, owner, officer, or employee qualifies as an in-house lobbyist.
- Lobbyist employers/lobbying coalitions that contract with a lobbying firm must complete a Lobbying Firm Authorization Statement, Form 602, before lobbying activity occurs. The Form 602 is provided to the lobbying firm for filing with its registration statement or amendment to registration.

**\$5,000 filers** are not required to file registration statements.

 **A person that employs both an in-house lobbyist and a contract lobbyist must complete both the Lobbyist Employer Registration Statement, Form 603, and the Lobbying Firm Authorization Statement, Form 602, on or before the applicable deadlines.**

### Amending Registration

If any information on a registration statement changes, Amendment to Registration, Form 605, must be filed as follows:

Lobbying firm adding a new client	Prior to attempting to influence legislative or administrative action on behalf of the client.
Firm or employer adding a new lobbyist	Within 20 days of effective date.
Firm or employer deleting a client, lobbyist, lobbying firm	Within 20 days of effective date.
Other changes	Within 20 days of any other change.

### Renewal of Registration

Between November 1 and December 31 of each even-numbered year, lobbyists, lobbying firms and lobbyist employers/lobbying coalitions must file new registration statements, Form 601, Form 602, Form 603, or Form 604, as applicable. A paper statement must be filed. If the filer filed any lobbying disclosure report electronically in the prior legislative session, an electronic registration statement must also be filed. At the end of each legislative session, all registration statements for that legislative session expire. If a filer will not engage in lobbying activity after the end of a legislative session, no additional reports indicating termination are required.

### Quarterly Disclosure Reports

Quarterly reports disclose receipts and payments in connection with lobbying activity. The law imposes different disclosure requirements depending upon the type of

filer. There are four quarterly disclosure reports:

<u>Filer</u>	<u>Form</u>
Lobbyist	615
Lobbying Firm	625
Lobbyist Employer/Coalition	635
\$5,000 filer	645

Filers must file a report electronically or on-line, if applicable, or on paper for each calendar quarter, regardless of the level of activity, and whether or not any payments have been made or received during the calendar quarter. The period covered for all quarterly reports is the first day of the calendar quarter through the last day of the calendar quarter. Quarterly reports may be filed early so long as the report includes all information required for the period covered by the report.

\$5,000 filers must file a report electronically for each calendar quarter in which they make payments totaling \$5,000 or more. They are not required to file a report for any calendar quarter in which they do not spend \$5,000, or if all of the payments are “activity expenses.” (See Page 4-1 for the definition of “activity expenses.”)

<b>Reporting Period</b>	<b>Filing Deadline</b>
January, February, and March	April 30
April, May, and June	July 31
July, August, and September	October 31
October, November, and December	January 31

Deadlines that fall on a Saturday, Sunday, or an official state holiday are extended to the next business day.

## Ceasing Lobbying Activity

If, during the legislative session, a lobbyist, lobbying firm, or registered lobbyist employer/lobbying coalition **ceases all lobbying** activities, a Notice of Termination, Form 606, must be filed electronically, if applicable, or on paper within **20 days** after ceasing lobbying activities.

As noted earlier, a filer ceasing all lobbying activities at the close of a regular (biennial) session of the Legislature is not required to file a termination statement.

A person that files either a lobbyist certification statement or a lobbying firm registration statement but, in fact, never meets the Act's definition of "lobbyist" or "lobbying firm" may use the Notice of Withdrawal statement, Form 607, to discontinue filing requirements.

### Important Note:

Lobbyists and lobbying firms remain subject to the \$10 gift prohibition for six months after filing a Notice of Termination. (See Chapter 7.) Lobbyists and lobbying firms that cease all lobbying activities at the end of the regular session of the Legislature remain subject to the gift prohibition for six months after the end of the regular session. Individuals and entities eligible to file a Notice of Withdrawal, Form 607, are not subject to the prohibition.

## Statutory and Regulatory References

### Statutes

81007	<i>Filing Dates; Mailing of Report or Statement</i>
84605	<i>Who Shall File Online</i>
84606	<i>Operation of Online System</i>
86100	<i>Registration</i>
86101	<i>Registration; Time</i>
86103	<i>Lobbyist Certification; Requirements</i>
86104	<i>Lobbying Firm; Registration Requirements</i>

86105	<i>Lobbyist Employer; Registration Requirements</i>
86106	<i>Renewal of Registration</i>
86107	<i>Registration Statement; Amendment; Termination</i>
86117	<i>Periodic Reports; Filing; Time</i>
86118	<i>Lobbying Reports; When to File</i>
91013	<i>Fines; Late Filing of Statements</i>

### Regulations

18116	<i>Reports and Statements; Filing Dates</i>
18465.1	<i>Verification of Online Filers</i>
18601	<i>Withdrawal of Lobbyist Certification or Lobbying Firm Registration</i>
18617	<i>Early Filing of Periodic Reports</i>